



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Betsy Shotwell

SUBJECT: SEE BELOW

DATE: May 24, 2007

Approved /s/

Date 05/24/07

SUBJECT: TRAFFIC FINE DISTRIBUTION FORMULA – LEGISLATIVE CHANGE PROCESS

BACKGROUND

During the Budget Study Session concerning the Transportation and Aviation CSA, discussion evolved regarding previous legislation that was introduced that doubled the fines in school zones through a pilot program in specified counties which sunset in January 2007. The Director of Transportation indicated that a preferred alternative to consider, and one that would likely gain more compliance, would be to give a larger share of the existing fines and penalties to the issuing agency (City). With a larger share of the existing fines and penalties staying within the control of the issuing agency, it was believed that a greater police presence and traffic management effort could be undertaken. This would in turn, result in slower and safer traffic conditions.

The Director suggested that the current traffic fine distribution formula for moving violations on streets with prima-facie 25mph speed limits; residential zones, school zones and senior centers should be treated differently than those on higher speed roadways, such as arterials, expressways and freeways where more injuries and societal impact occurs when there are accidents and speeding incidents. There are options that could be considered to increase the City's share of fines and penalties on low-volume, low-speed (25mph) roadways, which are:

- Increase the base fine associated with a moving violation;
- Increase the percentage of the base fine that the City receives;
- Create a City "penalty" that would be added on the top of the base fine, similar to what the State does.

State legislation would be required to implement any of the above changes.

ANALYSIS

The following is a description of the current structure of the moving violation fine and the various percentages, fees, etc. that are applied to the base fine:

State Penalty	100% penalty
County Penalty	70% penalty
State Criminal Penalty Surcharge	20% penalty
State Court Construction Fund	35% penalty
<u>Proposition 69 – DNA Sampling</u>	<u>10% penalty</u>
 Total Penalty	 235% penalty

In addition the following flat fees are added:

State Court House Security Fee	\$20
<u>County Prior Search Fee</u>	<u>\$10</u>
 Total	 \$30

For example, if one were to receive a speeding citation with a \$100 base fine the ticket would breakdown as follows:

Base fine*	\$100.00
State penalty	\$100.00 (100%)
County penalty	\$ 70.00 (70%)
State Criminal Penalty Surcharge	\$ 20.00 (20%)
State Court Construction Fund	\$ 35.00 (35%)
Proposition 69 – DNA Sampling	\$ 10.00 (10%) NEW – Approved by voters November 2, 2004
State Court House Security Fee	\$ 20.00 (flat fee)
<u>County Prior Search Fee</u>	<u>\$ 10.00 (flat fee)</u>

TOTAL FINES AND PENALTIES \$365.00

* The County receives 2% of the base fine for administrative purposes. The remaining 98% is shared between the City and the County. Thus, the City receives 87% of the base fine or \$85.26 of a \$100 base fine ticket and the total of the base fine received by the County is: 13%.

In summary, with the above fines and penalties as reflected in the example totaling \$365, the City would receive \$85.26 (23%), the County \$ 94.74(26%) and the State \$185.00(51%).

HONORABLE MAYOR AND CITY COUNCIL

May 24, 2007

**Subject: Traffic Fine Distribution Formula- Legislative
Change Process**

Page 3

CONCLUSION

Any changes to the moving violation fine structure would require the introduction of legislation in Sacramento. The Legislative timeline includes the need to identify an author to submit preferred language to the Legislative Counsel for drafting no later than the third week in January. Bill introduction is then required by the third Friday in February of each year.

COORDINATION

This MBA has been coordinated with the City Attorney's Office, Department of Transportation, the Police Department and the City's Legislative Representative in Sacramento.

/s/

BETSY SHOTWELL

Director, Intergovernmental Relations

For more information contact: Betsy Shotwell, Director of IGR at (408) 535-8270